

REMARKS

Claims 21-32, 34-44, 46-51 and 53-55 were pending in the application at the time the Final Office Action was mailed. In the Final Office Action, claims 21-32, 34-44, 46-51 and 53-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eichstaedt et al. (U.S. Patent No. 6,385,619) in view of Dey et al. (U.S. Patent No. 6,757,866) and further in view of Hunt et al. (U.S. Patent No. 5,893,091). Claims 21-32, 34-44, 46-51 and 53-55 have been canceled, and new claims 56-89 have been added. Accordingly, claims 56-89 are pending in the present application.

In the background section to the application, the applicants noted the explosive growth in the volume and diversity of content available on the Internet. (See "Background of the Invention" section of applicants' specification.) The applicants further noted that much of the content is dynamic, and that at certain times such content may be of great interest, while at other times of little or no interest. (*Id.*) For example, a webcam pointed at a watering hole in Africa might provide frequently uninteresting video. (*Id.*) However, occasionally, such as when a rare animal appears at the watering hole, the webcam video may be of great interest. (*Id.*) A problem presented by such a situation is that users, unless they were watching the webcam video at the right moment, would have no way of knowing when such activity is occurring. (*Id.*)

Applicants' technology provides a solution to this particular problem and similar problems. Applicants' technology enables a participant, or first individual, to select categories in which they are interested in receiving alerts. An alerting user, or second individual who is not the participant, can provide a real time alert regarding a network accessible item. An interest category can be assigned to the real time alert. If the interest category corresponds to the category previously indicated by the participant, the participant can be notified in real time that the network accessible item is of interest to them. Using the example in the previous paragraph, applicants' invention enables an alerting user, who is watching the webcam video and who sees a water buffalo appear at

the watering hole, to submit an alert in real time. A participant, other than the alerting user, who previously indicated an interest in seeing such displays can be alerted in real time to the appearance of the water buffalo. The participant can thus access the webcam video to see the water buffalo. The participant thus need not constantly monitor the webcam video.

The three references applied to reject independent claims 21, 40 and 47 – Eichstaedt, Dey and Hunt – are not directed to the same or similar problems, and likewise lack solutions provided by the claimed invention. Eichstaedt describes a system in which a user's access to a set of structured documents is analyzed for the purposes of pushing customized information back to that same user. (See Eichstaedt at 3:14-19; see also Figure 2.) Dey similarly describes a single-user environment in which a user can select or click on a video (i.e., "hypervideo") and be provided with material related to the selected or clicked on portion of the video. (See Dey at 5:5-40.) Hunt describes a system in which servers, called "Timely Information Providers" provide content to another server, called a "Timely Information Server," which then provides the content to users. (See Hunt at 4:38-55; see also Figure 2.)

Independent claims 21, 40 and 47 were rejected as being unpatentable over Eichstaedt in view of Dey and Hunt. Applicants respectfully disagree with these rejections. Nonetheless, applicants have canceled these independent claims and their dependent claims and added new claims 56-89. Independent claim 56 is directed to a method of notifying a participant that a network accessible item is of current interest and recites features that are not disclosed or suggested by the applied references. For example, claim 56 recites, *inter alia*: "the alerting user is not the participant and both the alerting user and the participant are individuals." Eichstaedt, Dey and Hunt, alone or in combination, do not disclose or suggest this feature. As previously noted, Eichstaedt and Dey describe a single-user environment. Hunt's system relies on servers, not individuals, to provide content to users. Therefore, the references do not disclose or suggest "the alerting user is not the participant and both the alerting user and the participant are individuals."

As another example, claim 56 recites, *inter alia*: "receiving in real time at a first time," "the alert is based at least in part on a real time change, perceived by the alerting user, in the content of the network accessible item," "providing notification in real time at a second time," and "the second time is substantially the same as the first time." These features enable the participant to access network accessible items, e.g., webcam video, at the same or nearly the same time that the alerting user provided a real time alert, so that the participant can experience in real time the event or occurrence that prompted the alerting user. Again, Eichstaedt, Dey and Hunt, alone or in combination, do not disclose or suggest these features. Eichstaedt describes automatically computing a user profile based upon the type of content viewed by the user, (Eichstaedt at 1:43-55), but Eichstaedt does not do this in real time. Dey describes automatically searching for content related to a portion of a temporal document, which can be real time, in which the user has expressed interest. (Dey, Abstract.) However, Dey does not describe providing alerts in real time or receiving notifications in real time. Hunt describes a real time notification system, (Hunt, 4:36-40). However, Hunt's system is concerned only with real time notification. In contrast, claim 56 recites real time alerting and real time notifying. Another distinction is that Hunt describes providing content that is recent but not real time. In contrast, claim 56 recites that the alert is based at least in part on a real time change in the content. In other words, the alert is based on an immediate, not recent change in the content. Therefore, the references do not disclose or suggest "receiving in real time at a first time," "the alert is based at least in part on a real time change, perceived by the alerting user, in the content of the network accessible item," "providing notification in real time at a second time," and "the second time is substantially the same as the first time."

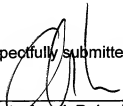
Accordingly, claim 56 is patentable over Eichstaedt, Dey and Hunt, as are dependent claims 57-70. Independent claims 71, 81 and 85 recite features that are at least generally similar to the features discussed above with reference to claim 56. Therefore, independent claims 71, 81 and 85 are patentable over Eichstaedt, Dey and Hunt, as are dependent claims 72-80, 82-84 and 86-89.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 345288017US from which the undersigned is authorized to draw.

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